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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TATSUO EGUCHI, ET AL. : EXAMINER: VAN HANDEL, M.P.
SERIAL NO: 09/720,537 :
FILED: JUNE 27, 2001 : GROUP ART UNIT: 2424
FOR: METHOD AND APPARATUS FOR :
CONTROLLING RESERVED
RECORDING OF TELEVISION
BROADCAST PROGRAM AND
RECORDING MEDIUM HAVING A
PROGRAM RECORDED THEREON

APPEAL BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants appeal the outstanding Final Rejection of May 14, 2009.

I. REAL PARTY IN INTEREST

The real party in interest in the present application is the assignee of the present application, Sony Corporation, having a place of business at 1-7-1 Konan, Minato-ku, Tokyo, 108-0075 Japan.

II. RELATED APPEALS AND INTERFERENCES

Appellant, Appellant's legal representative, and the Assignee are not aware of any other interferences or judicial proceedings that may be related to, directly affect or be directly affected by, or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF THE CLAIMS

Claims 15-30 are pending in this application.

Claims 1-14 were canceled.

Each of Claims 15-30 is being appealed.

IV. STATUS OF THE AMENDMENTS

No amendment was filed subsequent to the Final Rejection of May 14, 2009.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The claimed inventions are directed to effective utilization of an electronic program guide (EPG) that is displayed on a screen such as shown for example in Figure 16 in the present specification, and which is sent by an external apparatus, for example a server 7. The claimed display is a program table simultaneously displaying programs each with their own additional respective unique request button for record reservation data 251. The claimed structure allows a volume of EPG data received at one time to be decreased as only data is provided corresponding to one selected program based on one selected request button for record reservation data. Thereby, scheduling of a television program can be realized even with a communication line with a slow transmission rate.

Independent Claim 15

Independent claim 15 is directed to an information processing apparatus including:
a server (7) configured to store a program table (EPG) simultaneously displaying a plurality of programs with additional request buttons (251) for record reservation data, such that each displayed program has its own corresponding unique button (251-1 to 251-11) for

record reservation data simultaneously displayed with the respective displayed program, selection of a respective of the request button for (251-1 to 251-11) record reservation data directly generating recording reservation data for the corresponding displayed program (specification page 31, lines 4-18);

the server (7) is further configured to allow a user to select programs on the program table (EPG) by selecting one of the respective request buttons (251-1 to 251-11) for record reservation data on the program table (EPG) corresponding to a respective program, the user accessing the server (7) from a remote device (1-1) through a network (www) (specification, page 31, lines 9-18); and

the server (7) is further configured to transmit the generated record reservation data to the remote device (1-1) of the user upon the user selecting at least one of the additional request buttons (251-1 to 251-11) for record reservation data in the program table (EPG), and based on the user selections of the at least one of the additional request buttons (251-1 to 251-11) for record reservation data in the program table (EPG), the transmitted record reservation data for controlling the recording of a picture at the user remote device (1-1), and including data for specifying a channel, data indicating the date and time for starting the recording, and data indicating the date and time for terminating the recording to a picture recording apparatus (specification, page 31, line 19 to page 33, line 6; and page 35, lines 5-8).

Independent Claim 19

Independent claim 19 is directed to an information processing apparatus comprising:

means for storing a program table (server 7 stores EPG) simultaneously displaying a plurality of programs with additional respective request buttons (251-1 to 251-11) for record reservation data, such that each displayed program has its own corresponding unique request button (251-1 to 251-11) for record reservation data simultaneously displayed with the

respective displayed program, selection of a respective of the request button (251-1 to 251-11) for record reservation data directly generating recording reservation data for the corresponding displayed program (specification page 31, lines 4-18);

means for allowing a user to select programs on the program table (server 7) by selecting one of the respective request buttons for record reservation data (251-1 to 251-11) on the program table (EPG) corresponding to a respective program, the user accessing the means for storing (7) from a remote device through a network (personal computer 1-1 running the www browser 106 on the CRT 30, specification page 31, lines 4-18); and

means for transmitting record reservation data to the remote device (1-1) of the user based on the user upon the user selecting at least one of the additional request buttons (251-1 to 251-11) for record reservation data in the program table (EPG), and selections of the at least one of the additional request buttons (251-1 to 251-11) for record reservation data in the program table (EPG), the transmitted record reservation data for controlling the recording of a picture at the user remote device (1-1), and including data for specifying a channel, data indicating the date and time for starting the recording, and data indicating the date and time for terminating the recording to a picture recording apparatus (personal computer 1-1 running the www browser 106, specification at page 31, line 19 to page 33, line 6; and page 35 lines 5-8).

Independent Claim 23

Independent claim 23 is directed to an information processing method comprising:

storing a program table (EPG) simultaneously displaying a plurality of programs with respective additional request buttons (251-1 to 251-11) for record reservation data, such that each displayed program has its own corresponding unique request button for record reservation data (251-1 to 251-11) simultaneously displayed with the respective displayed

program, selection of a respective of the request button (251-1 to 251-11) for record reservation data directly generating recording reservation data for the corresponding displayed program (specification page 31, lines 4-18);

allowing a user to select programs on the program table (EPG) by selecting one of the respective request buttons (251-1 to 251-11) for record reservation data on the program table (EPG) corresponding to a respective program, the user accessing the program table (EPG) from a remote device (1-1) through a network (www) (specification page 31, lines 9-18); and

transmitting record reservation data to the remote device (1-1) of the user upon the user selecting at least one of the additional request buttons (251-1 to 251-11) for record reservation data in the program table (EPG), and based on the user selections of the at least one of the additional request buttons (251-1 to 251-11) for record reservation data in the program table (EPG), the transmitted record reservation data for controlling the recording of a picture at the user remote device (1-1), and including data for specifying a channel, data indicating the date and time for starting the recording, and data indicating the date and time for terminating the recording to a picture recording apparatus (specification page 31, line 19 to page 33, line 6; and page 35, lines 4-5).

Independent Claim 27

Independent claim 27 is directed to a tangible computer readable medium configured to control a computer to execute an information processing method (specification at page 56, lines 5-13), comprising:

storing a program table (EPG) simultaneously displaying a plurality of programs with respective additional request buttons (251-1 to 251-11) for record reservation data, such that each displayed program has its own corresponding unique request button for record reservation data (251-1 to 251-11) simultaneously displayed with the respective displayed

program (EPG), selection of a respective of the request button (251-1 to 251-11) for record reservation data directly generating recording reservation data for the corresponding displayed program (specification page 31, lines 4-18);

allowing a user to select programs on the program table (EPG) by selecting one of the respective request buttons (251-1 to 251-11) for record reservation data on the program table (EPG) corresponding to a respective program, the user accessing the program table from a remote device (1-1) through a network (www) (specification page 31, lines 9-18); and

transmitting record reservation data to the remote device (1-1) of the user upon the user selecting at least one of the additional request buttons (251-1 to 251-11) for record reservation data in the program table (EPG), and based on the user selections of the at least one of the additional request buttons (251-1 to 251-11) for record reservation data in the program table (EPG), the transmitted record reservation data for controlling the recording of a picture at the user remote device (1-1), and including data for specifying a channel, data indicating the date and time for starting the recording, and data indicating the date and time for terminating the recording to a picture recording apparatus (specification page 31, line 19 to page 33, line 6; and page 35, lines 5-8).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 27-30 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. That rejection is being appealed.

Claims 15, 16, 19, 20, 23, 24, 27, and 28 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. patent application publication 2002/0032907 A1 to Daniels. That rejection is being appealed.

Claims 17, 18, 21, 22, 25, 26, 29, and 30 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Daniels in view of the vCalendar Specification, v 0.4 (herein “the vCalendar Specification”). That rejection is also being appealed.

VII. ARGUMENT

Claims 27-30 are statutory under 35 U.S.C. § 101

Claims 27-30 were rejected under 35 U.S.C. § 101 as directed to a signal *per se*.

Applicants traverse that rejection and note Claims 27-30 are directed to a “tangible computer readable medium”.

The rejection appears to take the position the specification at page 56, paragraph 4 defines the medium can be for a program over a radio path or transmitted through a network, etc., and that therefore the claims are directed to a signal *per se*.¹

Applicants traverse that rejection and draw attention to the specification at page 56, lines 5-13, which clearly sets forth a tangible computer readable medium. The claims have been amended to be directed to such a tangible computer readable medium, and not to the signal noted in the specification at page 56, fourth paragraph that the Office Action relies upon. Applicants submit the outstanding rejection under 35 U.S.C. § 101 is improper as it ignores the limitations introduced into claims 27-30 and attempts to read claims 27-30 on a disclosure to which the claimed features are not directed.

Thereby applicants submit the outstanding rejection under 35 U.S.C. § 101 is improper and must be REVERSED.

¹ Final Office Action of May 14, 2009 page 2-3.

The rejection of claims 15, 16, 19, 20, 23, 24, 27, and 28 under 35 U.S.C. § 102(e) as anticipated by Daniels is improper as those claims recite features neither taught nor suggested by Daniels

Independent claim 15 recites each display program has *its own* corresponding unique button for record reservation data that is *simultaneously displayed* with a respective displayed program. Independent claim 15 also recites “selection of a respective of the request button for record reservation data directly generating recording reservation data for the corresponding displayed program”. Independent claim 15 also recites the server can transmit the generated record reservation data to the remote device of the user “upon the user selecting at least one of the additional request buttons for record reservation data in the program table”. Each of the other independent claims 19, 23, and 27 recites similar of the above-noted features as in independent claim 15 noted above.

In the claimed inventions an EPG (Electronic Program Guide) to display a screen such as shown for example in Figure 16 is sent by an external apparatus (a server). Such a display is a program table *simultaneously displaying programs each with its own additional respective unique request button* for record reservation data 251. That is, a *different* request button for record reservation data 251 is provided for *each* respective individual program to allow selecting of the individual programs, all of the record reservation data buttons 251-1 to 251-11 being *simultaneously displayed* with their respective programs.

A user can review that program table and select programs on the program table by selecting one of the respective request buttons for record reservation data 251 on the program table corresponding to a respective program, selection of a respective of the request button for record reservation data directly generating recording reservation data for the corresponding displayed program. The server can then transmit record reservation data to a remote device based upon the user selecting at least one of the additional request buttons for

record reservation data in the program table, and on the user selection of the request buttons for record reservation data on the program table. That is, the data (the EPG Program) sends a record reservation signal that requests the scheduling data of one program according to a respective pressed request button for record reservation data to the external apparatus (server). Thereby, the record reservation can be downloaded to a user.

With such a structure the volume of the EPG data received at one time can be decreased as only the data is provided corresponding to one selected program based on one selected request button for record reservation data. Thereby, scheduling of a television program can be realized even with a communication line with a slow transmission rate.

Daniels does not disclose or suggest the features recited in the claims to the display directed to the stored program table. Specifically, Daniels does not disclose or suggest storing a program table:

...simultaneously displaying a plurality of programs with additional respective request buttons for record reservation data, such that each displayed program has its own corresponding unique request button for record reservation data simultaneously displayed with the respective displayed program, selection of a respective of the request button for record reservation data directly generating recording reservation data for the corresponding displayed program[.]

Daniels does not disclose or suggest that any program table *simultaneously displays* a plurality of programs *each with its own respective unique request button for record reservation data*. Again with reference to Figure 16 in the present specification as a non-limiting example, a display according to the claimed inventions simultaneously displays a plurality of programs each with its own additional respective unique request button for record reservation 251.

The basis for the rejection appears most clearly explained in the “Response to Arguments” in the Final Office Action which states:

Regarding claims 15, 19, 23, and 27, the applicant argues that Daniels does not disclose or suggest storing a program table simultaneously displaying a plurality of programs with additional respective request buttons for record reservation data, such that each displayed program has its own corresponding unique request button for record reservation data simultaneously displayed with the respective displayed program, selection of a respective of the request button for record reservation data directly generating recording reservation data for the corresponding displayed program. Applicant specifically argues that Daniels does not disclose or suggest that any program table simultaneously displays a plurality of programs each with its own respective unique request button for record reservation data. The Examiner respectfully disagrees. As noted in the Office Action mailed 12/01/2008, Daniels discloses a system in which a user is provided access to a computer network source of program information and data instructions via an Internet modem connection. Daniels further discloses multiple Web page arrangements for displaying the program information for user selection. Figure 23 shows the Web page that is displayed when a user navigates through the “day” option of column A. Column B pops up with a list of the days of the week. Columns C, D, and E pop up and the user makes the desired selections. Column F pops up with the program schedule information. Once the user selects a program, column G pops up with the option of recording the program with a VCR (p. 15, paragraph 150 & Fig. 23). As previously noted by the Examiner, a user must select a program button from Column F before they can select to record the program (p. 15, paragraph 150 & Fig. 23). Therefore, the program buttons 1-22 in Column F can be interpreted to be corresponding unique buttons for record reservation data, as currently claimed. The Examiner acknowledges applicant’s argument that no reasonable interpretation of Daniels would correspond to the claims as currently written; however, the Examiner respectfully disagrees. In order to record Guligan’s Island the user must select button (21) Guligan’s Island to select the record button.

The above-noted grounds for the rejection appears to take the position that the program buttons 1-22 in column F of Daniels correspond to the claimed “unique button for record reservation data simultaneously displayed with the respective displayed program”.

That grounds for the rejection is clearly improper as those buttons 1-22 in Daniels are the respective display program themselves, and are not a unique button simultaneously displayed with the respective display program. In other words, if buttons 1-22 in Daniels are interpreted to be the corresponding unique buttons for record reservation data simultaneously displayed with the respective displayed program, then there are no respective displayed program in Daniels. The only displayed program in Daniels are those buttons 1-22, and the claims clearly recite simultaneously displaying an additional piece of information to that displayed program. The claims clearly recite the *simultaneous display of two different pieces of information for each program*, and specifically a plurality of programs and additional request buttons for record reservation data, and such that each display program has its own corresponding unique button. If buttons 1-22 in column F of Daniels are interpreted to be such unique buttons, then Daniels does not disclose or suggest the simultaneous display of a displayed program.

With respect to the arguments presented that the single display of a program name in buttons 1-22 in Figure 23 of Daniels could not correspond to two different pieces of display information for each program, the Final Office Action further states:

The Examiner respectfully disagrees. Daniels discloses displaying a plurality of programs as text within cells 1-22. Daniels also discloses that each of the cells acts as a button that the user selects in order to record the program (Fig. 23). As such, the Examiner maintains that Daniels teaches the simultaneous display of programs and additional request buttons for record reservation data, such that each displayed program has its own corresponding unique button, as currently claimed.²

That grounds for the rejection does not address the claimed features. The claims require that for each program two different pieces of information are displayed, the name of the program

² Final Office Action of May 14, 2009, page 4, lines 11-16.

and a unique button to record that program. No possible interpretation of the single display of program names in buttons 1-22 of Daniels can meet such a feature.

Moreover, as recited in the claims, the selection of a respective of the request buttons for record reservation data directly generates a recording reservation data for a corresponding displayed program. Applicants respectfully submit selecting the different program such as “(21) Guligan’s Island” in Daniels would not meet that limitation as merely selecting “(21) Guligan’s Island” in Daniels will **not** itself generate recording reservation data. Instead, Daniels specifically operates so that after a program is selected, such as after selecting “(21) Guligan’s Island” in column B, a new column G will pop up with one option being able to record the program. In Daniels the user must select that “Record” option in column G before any record reservation data is actually generated. Thereby, even the above-noted interpretation of Daniels would not correspond to the features as now recited in the claims.

Moreover, the independent claims further recite the generated record reservation data will be transmitted upon the user selecting at least one of the additional request buttons for record reservation data in the program table. Daniels fails to disclose or suggest that feature as again in Daniels it is only the selecting of the “Record” button in column G that would cause the transmission of any generated record reservation data, and not the merely selecting of a program such as “(21) Guligan’s Island”.

For the foregoing reasons each of independent Claims 15, 19, 23, and 27 positively recite features neither taught nor suggested by Daniels and thus are allowable over Daniels under 35 U.S.C. § 102. Thereby, the rejection based on Daniels must be REVERSED.

The rejection of claims 17, 18, 21, 22, 25, 26, 29, and 30 under 35 U.S.C. § 103(a) is unpatentable over Daniels in view of the vCalendar Specification is traversed

No disclosures in the vCalendar Specification were cited with respect to the above-discussed features that Daniels does not disclose or suggest, and no disclosures in the vCalendar Specification cure the above-discussed deficiencies in Daniels. Therefore, the rejection based on combination of teachings of Daniels and the vCalendar Specification must be REVERSED.

VIII. CONCLUSION

For the above reasons the above-noted rejections pending in the Final Office Action are improper and must be REVERSED.

Respectfully submitted,

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IX. CLAIMS APPENDIX

15. An information processing apparatus including:

a server configured to store a program table simultaneously displaying a plurality of programs with additional request buttons for record reservation data, such that each displayed program has its own corresponding unique button for record reservation data simultaneously displayed with the respective displayed program, selection of a respective of the request button for record reservation data directly generating recording reservation data for the corresponding displayed program;

the server further configured to allow a user to select programs on the program table by selecting one of the respective request buttons for record reservation data on the program table corresponding to a respective program, the user accessing the server from a remote device through a network; and

the server further configured to transmit the generated record reservation data to the remote device of the user upon the user selecting at least one of the additional request buttons for record reservation data in the program table, and based on the user selections of the at least one of the additional request buttons for record reservation data in the program table, the transmitted record reservation data for controlling the recording of a picture at the user remote device, and including data for specifying a channel, data indicating the date and time for starting the recording, and data indicating the date and time for terminating the recording to a picture recording apparatus.

16. The information processing apparatus according to claim 15, wherein the transmitted data is configured to control the recording of the picture stated in a text.

17. The information processing apparatus according to claim 15, wherein the transmitted data is data of a v-calendar system.

18. The information processing apparatus according to claim 15, wherein the transmitted data comprises text data including the information specifying the date and time of starting the recording, the recording start date and time specifying information being stated next to the information indicating the start of the recording reservation data “BEGIN:VCALENDAR”, “DTSTART:”, the information specifying the date and time of end of recording, the recording end date and time specifying information being stated next to “DTEND:”, the information specifying a channel for recording, the channel specifying information being stated next to “LOCATION:”, the name of a program for recording, recorded next to “DESCRIPTION:” and the information “END:VCALENDAR” indicating the end of the recording reservation data.

19. An information processing apparatus comprising:

means for storing a program table simultaneously displaying a plurality of programs with additional respective request buttons for record reservation data, such that each displayed program has its own corresponding unique request button for record reservation data simultaneously displayed with the respective displayed program, selection of a respective of the request button for record reservation data directly generating recording reservation data for the corresponding displayed program;

means for allowing a user to select programs on the program table by selecting one of the respective request buttons for record reservation data on the program table corresponding

to a respective program, the user accessing the means for storing from a remote device through a network; and

means for transmitting record reservation data to the remote device of the user based on the user upon the user selecting at least one of the additional request buttons for record reservation data in the program table, and selections of the at least one of the additional request buttons for record reservation data in the program table, the transmitted record reservation data for controlling the recording of a picture at the user remote device, and including data for specifying a channel, data indicating the date and time for starting the recording, and data indicating the date and time for terminating the recording to a picture recording apparatus.

20. The information processing apparatus according to claim 19, wherein the transmitted data is configured to control the recording of the picture stated in a text.

21. The information processing apparatus according to claim 19, wherein the transmitted data is data of a v-calendar system.

22. The information processing apparatus according to claim 19, wherein the transmitted data comprises text data including the information specifying the date and time of starting the recording, the recording start date and time specifying information being stated next to the information indicating the start of the recording reservation data “BEGIN:VCALENDAR”, “DTSTART:”, the information specifying the date and time of end of recording, the recording end date and time specifying information being stated next to “DTEND:”, the information specifying a channel for recording, the channel specifying information being stated next to “LOCATION:”, the name of a program for recording,

recorded next to “DESCRIPTION:” and the information “END:VCALENDAR” indicating the end of the recording reservation data.

23. An information processing method comprising:

storing a program table simultaneously displaying a plurality of programs with respective additional request buttons for record reservation data, such that each displayed program has its own corresponding unique request button for record reservation data simultaneously displayed with the respective displayed program, selection of a respective of the request button for record reservation data directly generating recording reservation data for the corresponding displayed program;

allowing a user to select programs on the program table by selecting one of the respective request buttons for record reservation data on the program table corresponding to a respective program, the user accessing the program table from a remote device through a network; and

transmitting record reservation data to the remote device of the user upon the user selecting at least one of the additional request buttons for record reservation data in the program table, and based on the user selections of the at least one of the additional request buttons for record reservation data in the program table, the transmitted record reservation data for controlling the recording of a picture at the user remote device, and including data for specifying a channel, data indicating the date and time for starting the recording, and data indicating the date and time for terminating the recording to a picture recording apparatus.

24. The information processing method according to claim 23, wherein the transmitted data is configured to control the recording of the picture stated in a text.

25. The information processing method according to claim 23, wherein the transmitted data is data of a v-calendar system.

26. The information processing method according to claim 23, wherein the transmitted data comprises text data including the information specifying the date and time of starting the recording, the recording start date and time specifying information being stated next to the information indicating the start of the recording reservation data “BEGIN:VCALENDAR”, “DTSTART:”, the information specifying the date and time of end of recording, the recording end date and time specifying information being stated next to “DTEND:”, the information specifying a channel for recording, the channel specifying information being stated next to “LOCATION:”, the name of a program for recording, recorded next to “DESCRIPTION:” and the information “END:VCALENDAR” indicating the end of the recording reservation data.

27. A tangible computer readable medium configured to control a computer to execute an information processing method (specification at page 56, lines 5-13), comprising:

storing a program table simultaneously displaying a plurality of programs with respective additional request buttons for record reservation data, such that each displayed program has its own corresponding unique request button for record reservation data simultaneously displayed with the respective displayed program, selection of a respective of the request button for record reservation data directly generating recording reservation data for the corresponding displayed program;

allowing a user to select programs on the program table by selecting one of the respective request buttons for record reservation data on the program table corresponding to a

respective program, the user accessing the program table from a remote device through a network; and

transmitting record reservation data to the remote device of the user upon the user selecting at least one of the additional request buttons for record reservation data in the program table, and based on the user selections of the at least one of the additional request buttons for record reservation data in the program table, the transmitted record reservation data for controlling the recording of a picture at the user remote device, and including data for specifying a channel, data indicating the date and time for starting the recording, and data indicating the date and time for terminating the recording to a picture recording apparatus.

28. The tangible computer readable medium according to claim 27, wherein the transmitted data is configured to control the recording of the picture stated in a text.

29. The tangible computer readable medium according to claim 27, wherein the transmitted data is data of a v-calendar system.

30. The tangible computer readable medium according to claim 27, wherein the transmitted data comprises text data including the information specifying the date and time of starting the recording, the recording start date and time specifying information being stated next to the information indicating the start of the recording reservation data "BEGIN:VCALENDAR", "DTSTART:", the information specifying the date and time of end of recording, the recording end date and time specifying information being stated next to "DTEND:", the information specifying a channel for recording, the channel specifying information being stated next to "LOCATION:", the name of a program for recording,

recorded next to “DESCRIPTION:” and the information “END:VCALENDAR” indicating the end of the recording reservation data.

X. EVIDENCE APPENDIX

None.

XI. RELATED PROCEEDINGS APPENDIX

None.